

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-6085

LARON A. MOTEN,

Petitioner - Appellant,

versus

WARDEN OF THE AUGUSTA CORRECTIONAL CENTER,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. James C. Cacheris, Senior District Judge. (CA-01-1087)

Submitted: April 7, 2003

Decided: April 17, 2003

Before MICHAEL and MOTZ, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Laron A. Moten, Appellant Pro Se. Leah Ann Darron, Assistant Attorney General, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Laron A. Moten, a state prisoner, seeks to appeal the district court's order denying relief on his petition filed under 28 U.S.C. § 2254 (2000).^{*} An appeal may not be taken from the final order in a habeas corpus proceeding unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1) (2000). A certificate of appealability will not issue for claims addressed by a district court on the merits absent "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2) (2000); see Miller-El v. Cockrell, 123 S. Ct. 1029 (2003). We have independently reviewed the record and conclude that Moten has not satisfied this standard. Accordingly, we deny a certificate of appealability and dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED

^{*} Moten does not challenge on appeal the district court's dismissal of two claims in a prior order for lack of subject matter jurisdiction or the court's dismissal of one claim on procedural default grounds. Moten has waived appellate review of these claims by failing to raise them in his informal brief. 4th Cir. R. 34(b).